

REMARKS

Claims 1-15 are pending in this application. Claims 7-9 and 13-15 have been withdrawn from consideration by the Examiner for being drawn to non-elected subject matter. No new matter is presented herein.

Allowable Subject Matter

Applicants respectfully acknowledge and appreciate the indication by the Examiner that Claims 3, 5-6 and 11-12, although objected to for being dependent upon a rejected base claim, would be in condition for allowance if rewritten or amended to include all of the features of the base claim and any intervening claims.

Receipt of Priority Document

The instant application claims priority from JP 2003-013525, which is indicated on the transmittal form submitted when the application was filed. Applicants note a certified copy of priority document JP 2003-013525 was filed in the Patent Office on September 27, 2004. As such, Applicants respectfully request any subsequent official paper from the Patent Office properly indicate receipt of the certified copy of the priority document.

Form PTO-1449

Applicants respectfully note that Reference Cite No. "AM" on the Form PTO-1449 attached to the Information Disclosure Statement dated September 27, 2004, has been returned with the cited reference crossed off by the Examiner. As the Office Action fails to shed any light on the reason(s) reference "AM" was not considered by the Examiner, the Applicants can only speculate that reference "AM" was not considered because the reference is in a foreign language (i.e., not English). In this regard, Applicants note

reference "AM" was submitted on September 27, 2004 with an Information Disclosure Statement and an English language version of the European Search Report wherein reference "AM" was cited. The European Search Report identified reference "AM" a category "A" reference, i.e., technological background. Applicants respectfully submit the submission of reference "AM" fulfilled the requirement set forth under 37 C.F.R. 1.98 regarding the disclosure of non-English language references, in particular, the requirement regarding a concise explanation of the relevance of the reference in English.

Specifically, Applicants look to M.P.E.P. §609(III)A(3), which states:

... Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office. This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y", or "A" indication on a search report...

Therefore, Applicants respectfully submit a concise explanation of non-English language reference "AM" was provided in the September 27, 2004 IDS by virtue of the English language version of the European Search Report, which identified the reference as a category "A" reference. Accordingly, Applicants respectfully request that the Examiner initial Reference Cite No. "AM" indicating the Examiner has considered the submitted reference cited on Form 1449. For the Examiner's convenience, Applicants provide a copy of Form PTO-1449.

Applicants also respectfully note the Form PTO-1449 attached to the Information Disclosure Statement dated January 22, 2004, has not yet been returned with the

Examiner's initials indicating the Examiner has considered the submitted references cited therein. Applicants respectfully request the Examiner consider the references and provide a copy of Form PTO-1449 with the Examiner's initials next to the cited references indicating the Examiner properly considered the reference. A copy of the PTO Form 1449 is attached for the Examiner's convenience.

Claim Rejections – 35 U.S.C. §103

Claims 1-2, 4 and 10 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Number 6,460,642 to Hirano in view of U.S. Patent Number 6,220,380 to Mita et al. (Mita). Applicants respectfully traverse the rejection.

Claims 1 and 2 each recite a vehicle power cables retaining structure for retaining power cables including, among other features, metallic protection pipes through which power cables are individually passed therethrough.

Applicants respectfully submit Hirano and Mita, alone or in combination, fail to teach or suggest such a feature.

Hirano teaches a high power cable aligning device. However, as noted by the Office Action, Hirano fails to teach or suggest the power cables 53A-B are provided along the floor of the motor vehicle. To overcome this deficiency of Hirano, the Office Action cites Mita for teaching that it is known in the industry to provide power lines along an underside of a floor of the motor vehicle. The Office Action then asserts "Hirano also teaches metallic protection pipes for passing the power cables individually (see figure 5, element 37), metallic protection pipes are then retained on the underside of the floor of the vehicle (see column 5, lines 8-21)."

Applicants respectfully disagree with the assertion made by the Office Action with respect to Hirano teaching metallic protection pipes. Applicants have conducted a detailed and exhaustive review of Hirano and have been unable to locate any such teaching.

Hirano specifically teaches the high power cables 53A, 53B are arranged in a curve by holders 54A, 54B, which fix the cables 53a, 53B to an inverter housing 40 via brackets 46A, 46B. The holders 54A, 54B, 54C, and 54D are formed of ***plastic*** (i.e., they are not metallic). Each holder 54 is provided with three openings 55 having the same diameter as that of the high power cables 53. A pair of hooks 56 are provided at the entrance of each opening 55 and are spread apart when a cable 53 is pressed into an opening 55. See column 3, line 35 to column 4, lines 15 and Figure 5 of Hirano. At no point does Hirano teach or suggest that the holders 54A, 54B, 54C, 54D are pipes, let alone metallic pipes. Applicants further note that Figure 5 of Hirano not only shows that the plastic holders are clamp-like structures with open top portions, but that the figure does not include reference number 37 as asserted by the Office Action. Put simply, the holders 54A-d disclosed by Hirano are not pipes and certainly are not metallic pipes as they are plastic clamp-like elements.

To establish *prima facie* obviousness, each feature of a rejected claim must be taught or suggested by the applied art of record. See M.P.E.P. §2143.03. As discussed above, Hirano and Mita, alone or in combination, fail to teach or suggest each and every feature recited by Claims 1-2. Therefore, Applicants respectfully submit Claims 1-2 are not rendered obvious in view of the applied teachings of Hirano and Mita and should be deemed allowable.

Claims 4 and 10 depend from Claims 1-2. It is respectfully submitted that these dependent claim should be deemed allowable for at least the same reasons Claims 1-2 are allowable, as well as for the additional subject matter recited therein.

Withdrawal of the rejection is respectfully requested.

Rejoinder of Claims 7-9 and 13-15

As noted in the Response dated August 8, 2005, Applicants respectfully submit that Claims 1-6 and 10-12 are generic to all species. Accordingly, upon the allowance of generic Claims 1-6 and 10-12, Applicants respectfully request the rejoinder of the claims directed to the non-elected species, i.e., Claims 7-9 and 13-15, as provided by 37 C.F.R. § 1.141.

Conclusion

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding objection and rejection, rejoinder of Claims 7-9 and 13-15, allowance of Claims 1-15, and the prompt issuance of a Notice of Allowability are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing docket number 107355-00106.**

Respectfully submitted,
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Enclosures: PTO Form 1449 filed with January 22, 2004 IDS
PTO Form 1449 filed with September 27, 2004 IDS